

STATE OF MAINE
PUBLIC UTILITIES COMMISSION

Docket No. 2001-206

June 20, 2001

MARCHAIN CRAIN
Appeal of Consumer Assistance Division
Decision #2001-9708 Regarding Pine
Tree Telephone Company

ORDER REMANDING
TO CONSUMER
ASSISTANCE DIVISION

WELCH, Chairman; NUGENT and DIAMOND, Commissioners

I. SUMMARY

In this Order, we remand Mr. Crane's complaint to our Consumer Assistance Division (CAD) so that additional information can be gathered about Mr. Crane's complaint.

II. DISCUSSION AND DECISION

On June 5, 2001, we issued our order upholding the CAD's decision regarding a complaint filed by Mr. Crane and declining to investigate this matter further. CAD had determined that Pine Tree Telephone Company had properly applied its terms and conditions in determining that two of Mr. Crane's telephone lines were "primarily" used for business and therefore subject to the business rate.

On June 8, 2001, Mr. Crane submitted a copy of the order with numerous marginal notes disputing some of the factual conclusions contained in the order. We treat Mr. Crane's submission as a request for reconsideration. Mr. Crane disputes that the two lines are primarily used for business. He claims that the lines are only used occasionally for business purposes.

Based on the evidence before it, we believe CAD reached the correct conclusion in deciding this case. However, we will remand the complaint to CAD to allow it to determine if further information is available from Mr. Crane to support his contention that the lines are not primarily used for businesses. CAD should ask Mr. Crane to provide any evidence he has that each of the lines in dispute is used more for personal than for business purposes. We also direct CAD to obtain a contact person at Mr. Crane's employer to determine how it views these telephone lines. We expect CAD to issue a new decision letter based on its findings.

Dated at Augusta, Maine, this 20th day of June, 2001.

BY ORDER OF THE COMMISSION

Dennis L. Keschl
Administrative Director

COMMISSIONERS VOTING FOR: Welch
 Nugent
 Diamond

NOTICE OF RIGHTS TO REVIEW OR APPEAL

5 M.R.S.A. § 9061 requires the Public Utilities Commission to give each party to an adjudicatory proceeding written notice of the party's rights to review or appeal of its decision made at the conclusion of the adjudicatory proceeding. The methods of review or appeal of PUC decisions at the conclusion of an adjudicatory proceeding are as follows:

1. Reconsideration of the Commission's Order may be requested under Section 1004 of the Commission's Rules of Practice and Procedure (65-407 C.M.R.110) within 20 days of the date of the Order by filing a petition with the Commission stating the grounds upon which reconsideration is sought.
2. Appeal of a final decision of the Commission may be taken to the Law Court by filing, within 30 days of the date of the Order, a Notice of Appeal with the Administrative Director of the Commission, pursuant to 35-A M.R.S.A. § 1320(1)-(4) and the Maine Rules of Appellate Procedure.
3. Additional court review of constitutional issues or issues involving the justness or reasonableness of rates may be had by the filing of an appeal with the Law Court, pursuant to 35-A M.R.S.A. § 1320(5).

Note: The attachment of this Notice to a document does not indicate the Commission's view that the particular document may be subject to review or appeal. Similarly, the failure of the Commission to attach a copy of this Notice to a document does not indicate the Commission's view that the document is not subject to review or appeal.